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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,459	09/08/1999	HEIZO KITAJIMA	33701M002	8638

7590

08/16/2002

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EXAMINER

ZURITA, JAMES H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 08/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

8K

Office Action Summary	Application No.	Applicant(s)	
	09/391,459	KITAJIMA, HEIZO	
	Examiner	Art Unit	
	James Zurita	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

A First Office Action of 27 March 2002 rejected claims 1-5. Applicant amendment of 27 June 2002 traversed rejection of claims 1-4, amended claims 1, 3, and added claim 6 and cancelled claim 5.

Claims 1-4, 6 remain and will be examined.

Response to Arguments

Applicant's arguments filed 27 June 2002 have been fully considered but they are not persuasive.

Applicant argues that Anderson's classification of goods is a rough classification only and is not divided into the narrow, particular types of goods required by applicant's invention. Therefore, applicant argues, retrieval for narrowing a client list according to specific goods targeted for specific promotions is not possible in Anderson. In response to these arguments, Anderson discloses storage of inventory list for goods, including manufacturer, product name, volume/weight of unit, price per unit. Anderson also teaches use of the Universal Product Codes/UPC to validate goods sold (see at least Col. 7, lines 52-64). Anderson provides examples of how data might appear in a database table (see Col. 11, lines 51-60): 10086302145 (UPC), Heintz.TM. (manufacturer) Ketchup (product name) 8 oz. (volume of this particular product unit), 2.35 (unit price); 00002541900 (UPC), Purina Puppy Chow.TM (manufactuer and

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product name) 20 lbs. (weight of this particular product unit), 8.95 (unit price). Later steps classify products into classes. Thus, applicant's arguments are not persuasive.

Applicant argues that Anderson stores only summarized ("sum total and a discount rate for every type of goods") purchase data for clients. Applicant points to Col. 10, line 42, in support of his argument. In response to this argument, Anderson collects and stores detailed transaction data of each customer purchase and each product included in each client's purchase. (See at least references to transactional purchase history and data store, Col. 13, lines 1-67). See also references to transactional Point of Sale system, at least in Col. 21, line 25-Col. 22, line 25.

Transaction sessions are identified as sets of transactions that represent total check out interaction between a retail store and a customer at one time. Databases store purchases and all other activity conducted at the POS workstation. Applicant's reference to Col. 10, line 42 is an overly narrow view of Anderson. Therefore, applicant's argument is not persuasive.

Applicant argues that Anderson fails to teach retrieving means for retrieving *high-ranking clients*. In response to this argument, Anderson provides at least one example where customer purchase data may be retrieved and compared to specified values.

The purchase detail data may include time intervals and specified classes of products.

The data may be retrieved using SQL (see at least Col. 10, lines 46-65):

A retailer querying the database may want to determine which customers spend the most money (1) overall, (2) per particular cluster or (3) particular time of year. For example, the following query written in the SQL programming language might be used to access the card numbers of consumers who spend \$50 or more on the average visit to the retail store.

(1) SELECT CARD_NUMBER FROM HOUSEHOLD_PURCHASE_TOTALS
WHERE (TOTAL_PURCHASE_AMOUNT/TOTAL_VISIT_NUMBER) > =50:

More complex queries can be performed to join the accessed card numbers with the demographics of the consumer's household. Queries may also be made without knowledge of SQL commands by the retailer through the use of redefined scripts employed through menu options. The data resulting from the query can be used, for example, to target those customers with promotional and advertising material directed to products within that cluster.

Other SQL queries may select customers whose purchases over a specified period of time equals a [%] as required by applicant. Thus, Anderson's database structure can measure sales data (i) over time periods, (ii) for specific goods and classes, and (iii) to calculate various rates of sales from transactional data regarding the goods purchased. Data stored has date, time of purchase, product code/UPC, amount. Thus, applicant's argument is not persuasive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., US Patent 5,974,396.

Anderson stores transactional purchase data in relational databases. Customers may be identified according to various criteria. Marketing may be targeted to customers thus identified. Anderson discloses methods and systems that include:

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- Col 13, 14
- means for storing client data including individual data including customers' code numbers, names, ages, addresses and telephone numbers (Anderson uses the term member identification number instead of client code. See at least Col. 3, lines 9-29; Col. 8, line 44-Col. 10, line 30 for references to client/consumer demographics, including Membership Identification Numbers/MIN, age of each customer in a household, name of each customer of a household, their date of birth, name of pets in a household, address and other types of demographic data);
 - means for storing sales company goods data including sales goods, departments (see at least Col. 14, lines 50-59), names of classes of goods, codes for goods, prime unit prices, and sales unit prices (see at least Col. 2, line 56- Col. 3, line 8; for sales company goods, see at least Col. 8, lines 11-46; for references to manufacturer and type of product, see at least Col. 2, line 56-Col. 3, line 7; for names of classes of goods, see references to generic product clusters, at least in Col. 2, lines 56-67; for codes for goods, see at least references to Universal Product Code/UPC, at Col. 7, lines 31-67; for sales unit prices, see at least references to selling price of a unit of a product, Col. 21, lines 30-Col. 22, line 25);
 - means for storing data of goods purchased by customers (see at least Co. 10, lines 31-46 for historical and transactional data stored in relational databases) and;
 - means for retrieving results representative of high-ranking customers who contribute to sales of one or more goods designated by setting at least conditions of time period, class of goods and sales rate from the data of the goods purchased (see at least Col. 10, line 46-Col. 6, line 5, describing retrieval of data with SQL); and

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- means for outputting and printing results retrieved (see at least references to Print Systems Analysis and Print Intelligence databases; see also Col. 4, lines 19-49, Col. 11, line 31 – Col. 12, line 26).

Anderson discloses a system wherein (a) means for storing client data, (b) means for storing goods data and (c) means for storing goods sales data comprise a recording medium such as a magnetic card, a plurality of terminal devices, a main computer, and a data storing device (see at least Col. 8, line 21-Col. 24, line 13, for types of recording and storage media, databases and files).

Anderson discloses a system wherein retrieving high-ranking customers comprises a plurality of terminal devices and a main computer (see at least Col. 4, lines 19-49; Col. 7, line 5-Col. 8, line 14, references to terminals, including POS terminals. Anderson describes various types of computers, including supervisory computers, supervisory processors, local computers, network computers, including clients and server computers: see at least Col. 3, lines 1-Col. 4, line 59, and Col. 9, lines 3-19).

Anderson discloses a system wherein outputting and printing the retrieved result comprises a printer and a card issuing machine (see at least Col. 4, lines 19-49 for references to various subsystems, including printers; Col. 10, line 46-Col. 6, line 5, describing retrieval of data; see at least references to Print Systems Analysis and Print Intelligence databases; see also Col. 4, lines 19-49, Col. 11, line 31 – Col. 12, line 26).

Anderson teaches that data may be analyzed according to time periods: See at least references to Thanksgiving. Thanksgiving is a holiday period in the United States and Canada. The holiday spans several days (start/end dates). Customers shop for

certain classes of goods, such as food items, including turkeys (see at least Col. 1, lines 1-36). The rate of sales of classes of goods for holiday periods may be calculated from stored customer transaction details. Data may be analyzed according to household and even members in households. Thus, Anderson teaches production of behavior reports showing customer buying across time intervals (see also at least Col. 14, lines 53-60).

Anderson gives at least several examples of SQL queries (see response to arguments, above). With SQL, one may obtain total purchases of a good for specified start and end dates. This data is stored as detailed transaction data. One would use a SQL SUM function on a desired column (such as item price) to obtain the total amount of money exchanged for a particular period for a class of good specified in the SELECT clause of a SQL query. Using the total amount of money exchanged for a particular period for a particular class of goods, one could use SQL GROUP BY and ORDER BY functions to obtain each customer's amount of money exchanged for the particular period for the class of goods. One would then divide each customer's amount of money by the total amount of money and multiply the result by 100, providing a percent for each customer. One would use SQL to select those customers whose purchases amounted to a percentage specified in Fig. 10, item 7h, next to the Set Sales label. Anderson *does not* use the term high-ranking clients, and he *does not* define high-ranking clients as those clients who have sales rate = [specified %]. Anderson suggests the use of scripts as menu options to retrieve data as needed to target those customers with promotional and advertising material directed to products within clusters.

Therefore, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time the invention was made to apply Anderson's examples to retrieve high-ranking client data based on a percent, using at least conditions of time period, class of goods, and sales rate.

One of ordinary skill in the art of electronic commerce at the time the invention was made would have been motivated to apply Anderson's examples to retrieve high-ranking client data based on a percent, using at least conditions of time period, class of goods, and sales rate for the obvious reason that ranking customers by percent of purchases is another common way of targeting marketing campaigns. One would want to use percentages for the obvious reason that it would be less effective to send promotional materials to customers who have purchased minimal quantities of a product class. For example, one would be less likely to target customers whose purchases have decreased from 0.001 percent to 0.0005 percent of a class of goods, while one would be more likely to send marketing materials and coupons to customers whose purchases have increased from 40% to 60% of seller's total for the class of goods.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8:30 am to 5:00 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9325 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

J2
James Zurita
Patent Examiner
Art Unit 3625
August 13, 2002


JEFFREY A. SMITH
PRIMARY EXAMINER